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10/764,812	01/26/2004	Martha Karen Boyd	1033-MS1013	6878

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EXAMINER
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ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Regarding claim 3, Awada teaches the mobile telephone of claim 1. Awada does not specifically disclose the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on.

Burgess teaches the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 4, Awada teaches the mobile telephone of claim 1. Awada does not specifically disclose the ringer control schedule for a second day of the week differs from that for the first day of the week.

Burgess teaches the ringer control schedule for a second day of the week differs from that for the first day of the week (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 6, Awada teaches a display device (in order to set a schedule the calendar, the teaching of Awada indeed teaches Applicant's "a display device". In addition, see column 2, lines 13-31, see "list"), and a user input device (see column 1, lines 62-67 and column 5, lines 21-27), wherein the ringer schedule interface uses the display device (in order to set a schedule the calendar, the teaching of Awada indeed teaches Applicant's "a display device". In addition, see column 2, lines 13-31, see "list") to display at least part of the ringer control schedule and the user input device to create at least part of the ringer control schedule (see column 1, lines 62-67 and column 5, lines 21-27).

Regarding claim 7, Awada teaches an interface to an external device; wherein the ringer schedule interface uses the interface to receive at least part of the ringer control schedule created using and downloaded by the external device (column 2, lines 46-67, see "remotely activate a profile of a telephone").

Regarding claim 10, Awada further teaches the interface (see Awada, fig.1, interface 210) comprises a data port (see column 6, lines 25-27).

Regarding claim 12, Awada teaches a mobile telephone (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone") comprising: a ringer to audibly alert of an incoming telephone call (see column 4, lines 10-14), a display device (in order to set a schedule the calendar, the teaching of Awada indeed teaches Applicant's "a display device". In addition, see column 2, lines 13-31, see "list"), a user input device (see column 1, lines 62-67 and column 5, lines 21-27), a ringer schedule interface to receive a ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8,

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line 8, see “the telephone vibrate instead of ring” and see column 6, lines 19-22, column 6, lines 43-45 and column 6 line 66 to column 7, line 1, see “interface”) and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (see Abstract, column 2, lines 50-55, column 3, lines 1-26, see “automatically”) and the user input device to create at least part of the ringer control schedule (see column 1, lines 62-67 and column 5, lines 21-27), and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. The teaching of Awada indeed teaches both directly activate (see Awada, column 1, line 1 to column 2 line 44) and remotely activate a profile of a telephone (see column 2, lines 46-67), a control to override the ringer control schedule (Abstract, see “*update the calendar*” and “*converting the calendar information*”, also column 2, lines 46-67 and column 5, lines 43-59, see “*update profile and calendar information*”) and remotely activate a profile of a telephone (see column 2, lines 46-67).

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change, and wherein the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change, and wherein the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on.

Burgess teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 3, lines 58-66 and column 8, lines 19-

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46), wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule (see column 3, lines 58-66 and column 8, lines 19-46) and wherein the ringer control schedule indicates (see column 3, lines 58-66 and column 8, lines 19-46), for each day of the week (see column 7, lines 33-49, column 3, lines 58-66 and column 8, lines 19-46), the times at which the parameter is to change (see Abstract, column 3, lines 58-66 and column 8, lines 19-46), and wherein the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off and a second time for the first day of the week at which the ringer is to be turned back on (see column 7, lines 33-49, column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 14, Awada teaches the mobile telephone of claim 12. Awada does not teach the ringer control schedule for a second day of the week differs than that for the first day of the week.

Burgess teaches the ringer control schedule for a second day of the week differs than that for the first day of the week (see column 7, lines 33-49, column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of

Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 16, Awada teaches a mobile telephone (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone") comprising: a ringer to audibly alert of an incoming telephone call (see column 4, lines 10-14), a display device (in order to set a schedule the calendar, the teaching of Awada indeed teaches Applicant's "a display device". In addition, see column 2, lines 13-31, see "list"), a user input device (see column 1, lines 62-67 and column 5, lines 21-27), an interface to interface with an external device (see column 6, lines 19-22, column 6, lines 43-45 and column 6 line 66 to column 7, line 1, see "interface"), a ringer schedule interface to receive a ringer control schedule, and the user input device to create part of the ringer control schedule (see column 1, lines 62-67 and column 5, lines 21-27 and see column 2, lines 13-15, "*a user is often also using a calendar application to schedule events*", column 2, lines 46-67, see "*for the user to update profile and calendar information on the telephone*", column 5, lines 43-59, see "*a user 150 may update calendar information from the telephone 120*" and "*the user 150 can update calendar information contained in the calendar application using the telephone 120*"), and wherein the ringer schedule interface uses the interface to receive another part of the ringer control schedule created using and downloaded thereto by the external device (see column 5, lines 43-59, see "*The calendar application receives the updated calendar information*" and see column 8, lines 57-60), and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (see Abstract, column 2, lines 50-55,

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column 3, lines 1-26, see “automatically”), wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule (in order to set a schedule the calendar, the teaching of Awada indeed teaches Applicant’s “a display device”. In addition, see column 2, lines 13-31, see “list”).

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change.

Burgess teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 20, Awada further teaches a control to override the ringer control schedule (Abstract, see “*update the calendar*” and “*converting the calendar information*”, also column 2, lines 46-67 and column 5, lines 43-59, see “*update profile and calendar information*”).

B. Claims 5, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Miura et al (US 6,763,105).

Regarding claim 5, Awada teaches the change in the ringer is selected from turning the ringer off, turning the ringer on (see column 4, lines 2-27 and column 7, line

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59 to column 8, line 8). Awada does not specifically disclose changing a ring tone, and changing a ring volume.

Miura teaches changing a ring tone, and changing a ring volume (see Abstract and see column 1, line 65 to column 2, line 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Miura into the system of Awada in order to control the ringer-tone-volume.

Regarding claims 15 and 21, claims 15 and 21 are rejected with the similar reason as set forth in claim 5 above.

C. Claims 8, 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Dutta (US 6,760,581).

Regarding claim 8, Awada teaches remotely activate a profile of a telephone (column 2, lines 46-67 and fig.3, see connection 305 between items 140 and 120). Awada does not specifically disclose the interface comprises a short-range wireless interface.

Dutta teaches the interface comprises a short-range wireless interface (see column 5, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).



Regarding claim 9, Awada teaches remotely activate a profile of a telephone (column 2, lines 46-67 and fig.3, see connection 305 between items 140 and 120). Awada does not specifically disclose the short-range wireless interface comprises a BLUETOOTH interface.

Dutta teaches the short-range wireless interface comprises a BLUETOOTH interface (column 5, lines 50-67, see "Bluetooth").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

Regarding claim 17, claim 17 is rejected with the similar reason as set forth in claim 8 above.

Regarding claim 18, claim 18 is rejected with the similar reason as set forth in claim 9 above.

D. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Burgess (US 6,359,970) and further in view of Dutta (US 6,760,581).

Regarding claim 22, Awada teaches a mobile telephone (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone") comprising: a ringer to provide an audible alert of an incoming telephone call (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8), a ringer schedule interface to receive a ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the

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user to set "the telephone vibrate instead of ring". The teaching of Awada inherently teaches an "interface" as claimed. In addition, column 4, lines 2-27, see "the user can schedule..."), a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8 and column 1, line 1 to column 2 line 44), and wherein the ringer schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring"), interface uses the interface to receive at least part of the ringer control schedule from the external device (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring". The teaching of Awada inherently teaches an "interface" as claimed. In addition, column 4, lines 2-27, see "the user can schedule...").

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change.

Burgess teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

The combination of Awada and Burgess does not specifically disclose a short-range wireless interface to an external device.

Dutta teaches a short-range wireless interface to an external device (see column 5, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada and Burgess in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

#### **(10) Response to Argument**

On pages 4 and 5 of Appellant's argument, Appellant argues that Awada fails to disclose "a control to override the ringer control schedule" as recited by claims 1, 12 and 20.

In response, Awada does indeed teach Appellant's claimed limitation (Awada's Abstract, see "update the calendar" and "converting the calendar information", also column 2, lines 46-67, column 5, lines 43-59, see "update profile and calendar information" and they read on Appellant's "a control to override the ringer control schedule"). In addition, Appellant's attention is directed to Applicant's specification page 5, [0017] for the definition of the "override the ringer control schedule".

On page 5 of Appellant's argument, Appellant argues that Awada teaches away from the schedule override since Awada teaches that "*after an event has expired (either*

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*due to cancellation or completion), a subsequent profile may be activated*” as stated in Awada.

The Examiner, however, disagrees. Applicant's claims merely recite “*a control to override the ringer control schedule*” but fail to further define when the user can override the ringer control schedule. Therefore, Awada does indeed teach Appellant's claimed limitation.

On page 6 of Appellant's argument, Appellant further argues Awada and Burgess fail to teach a control to override a ringer control schedule as recited by claims 1, 12 and 20.

In response, Awada does indeed teach a control to override a ringer control schedule (see column 2, lines 13-15, “*a user is often also using a calendar application to schedule events*”, column 2, lines 46-67, see “for the user to update profile and calendar information on the telephone”, column 5, lines 43-59, see “a user 150 may update calendar information from the telephone 120” and “the user 150 can update calendar information contained in the calendar application using the telephone 120”), and wherein the ringer schedule interface uses the interface to receive another part of the ringer control schedule (see column 5, lines 43-59, see “The *calendar application receives* the updated calendar information”) and the combination of Awada and Burgess teaches Applicant's claims 1, 12 and 20.

On page 7 of Appellant's argument, Appellant further argues that Awada fail to disclose or suggest a user input device to create part of the ring control schedule, and

wherein the ringer schedule interface uses the interface to receive another part of the ringer control schedule, as recited by claim 16.

In response, Awada does indeed teach a user input device (see column 1, lines 62-67 and column 5, lines 21-27) to create part of the ring control schedule (see column 2, lines 13-15, “a user is often also using a calendar application to schedule events”, column 2, lines 46-67, see “for the user to update profile and calendar information on the telephone”, column 5, lines 43-59, see “a user 150 may update calendar information from the telephone 120” and “the user 150 can update calendar information contained in the calendar application using the telephone 120”), and wherein the ringer schedule interface uses the interface to receive another part of the ringer control schedule (see column 5, lines 43-59, see “The calendar application receives the updated calendar information” and see column 6, lines 19-22, column 6, lines 43-45 and column 6 line 66 to column 7, line 1, see “interface”).

On page 8 of Appellant’s argument, Appellant argues that Burgess fails to disclose or suggest a user input device to create part of the ringer control schedule, and wherein the ringer schedule interface uses the interface to receive another part of the ringer control schedule as recited by claim 16.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Awada teaches a user input device (see column 1, lines 62-67 and

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column 5, lines 21-27) to create part of the ringer control schedule (Awada, column 2, lines 13-15, *"a user is often also using a calendar application to schedule events"*, column 2, lines 46-67, see *"for the user to update profile and calendar information on the telephone"*, column 5, lines 43-59, see *"a user 150 may update calendar information from the telephone 120"* and *"the user 150 can update calendar information contained in the calendar application using the telephone 120"*), and wherein the ringer schedule interface uses the interface to receive another part of the ringer control schedule (see Awada, column 5, lines 43-59, see *"The calendar application receives the updated calendar information"* and see column 6, lines 19-22, column 6, lines 43-45 and column 6 line 66 to column 7, line 1, see *"interface"*) as recited by claim 16, and the combination of Awada and Burgess teaches Applicant's claim 16.

On page 8 of Appellant's argument, Appellant argues that Awada and Burgess fail to disclose dependent claims 2-4, 6, 7, 10, 14, and 20.

In response, Awada and Burgess, alone or in combination, does indeed teach Applicant's dependent claims 2-4, 6, 7, 10, 14, and 20. In addition, Applicant's attention is directed to the rejection of dependent claims 2-4, 6, 7, 10, 14, and 20 above.

On page 9 of Appellant's argument, Appellant argues that Awada and Miura fail to teach claims 5, 15, and 21.

In response, the combination of Awada and Miura does indeed teach Applicant's dependent claims 5, 15, and 21. In addition, Applicant's attention is directed to the rejection of dependent claims 5, 15, and 21 above.

On pages 9, 10 and 11 of Appellant's argument, Appellant argues that Miura or Dutta fails to disclose a ringer schedule interface to receive a ringer control schedule, the ringer schedule indicating times at which a parameter of the ringer is to change, where the ringer schedule interface use the display device to display at least part of the ringer control schedule and the user input device to create part of the ringer control schedule, and wherein the ringer schedule interface uses the interface to receive another part of the ringer control schedule created using and downloaded thereto by the external devices as recited by claim 16.

In response, the combination of Awada and Burgess teaches claim 16 (not Miura or Dutta as alleged by the Appellant).

On page 12 of Appellant's argument, Appellant argues that Dutta fails to a ringer schedule interface that uses a short-range wireless interface to receive at least part of a ringer control schedule created using and downloaded by an external device as provided by the combination of claims 7 and 8.

In response, Awada teaches the ringer schedule interface uses the interface to receive at least part of the ringer control schedule created using and downloaded by the external device (Awada, see column 2, lines 46-67, see "remotely activate a profile of a telephone" as recited in claim 7 (not claim 8), Dutta teaches short-range wireless interface as recited in claim 8 (see Dutta, column 5, lines 50-67), and the combination teaches the combination of Applicant's claims 7 and 8.

On page 12 of Appellant's argument, Appellant argues that there is no motivation to combine Awada, Burgess and Dutta.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation to do so found in the references themselves in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47) and in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Nghi H. Ly



Appeal conference conducted on 04/27/06.

Conferees:



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The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/764,812  
Filing Date: January 26, 2004  
Appellant(s): BOYD, MARTHA KAREN

**MAILED**

**MAY 03 2006**

**Technology Center 2600**

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Jeffrey G. Toler  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 02/10/06 appealing from the Office action mailed 10/21/05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

A. Claims 1-4, 6, 7, 10, 12, 14, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Burgess (US 6,359,970).

Regarding claim 1, Awada teaches a mobile telephone (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone") comprising: a ringer to provide audible alert of an incoming telephone call (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8), a ringer schedule interface to receive a ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8, see column 6, lines 19-22, column 6, lines 43-45 and column 6 line 66 to column 7, line 1, see "interface"), and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (see column 1, line 1 to column 2 line 44, column 4, lines 2-27 and column 7, line 59 to column 8, line 8. The teaching of Awada indeed teaches both directly activate) and remotely activate a profile of a telephone (see column 2, lines

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46-67) and a control to override the ringer control schedule (Abstract, see “*update the calendar*” and “*converting the calendar information*”, also column 2, lines 46-67 and column 5, lines 43-59, see “*update profile and calendar information*”).

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change.

Burgess teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 2, Awada teaches the mobile telephone of claim 1. Awada does not specifically disclose the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change.

Burgess teaches the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).